

**FIRST ENGROSSMENT
with Senate Amendments**

Sixty-first
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1009

Introduced by

Appropriations Committee

(At the request of the Governor)

1 A BILL for an Act to provide an appropriation for defraying the expenses of the agriculture
2 commissioner; to provide for a livestock health permit inspection program; to amend and
3 reenact sections 4-01-19 and 4-01-21 of the North Dakota Century Code, relating to marketing
4 program revenue and the salary of the agriculture commissioner; to provide for transfers; to
5 provide for a legislative council study; and to declare an emergency.

6 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

7 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the
8 funds as may be necessary, are appropriated out of any moneys in the general fund in the state
9 treasury, not otherwise appropriated, and from special funds derived from federal funds and
10 other income, to the agriculture commissioner for the purpose of defraying the expenses of that
11 agency, for the biennium beginning July 1, 2009, and ending June 30, 2011, as follows:

		Adjustments or	
	<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
13 Salaries and wages	\$6,984,840	\$1,649,478	\$8,634,318
15 Operating expenses	4,714,383	1,302,999	6,017,382
16 Capital assets	5,000	0	5,000
17 Grants	1,849,225	1,120,600	2,969,825
18 Board of animal health	2,299,702	283,623	2,583,325
19 Wildlife services	1,209,000	(141,600)	1,067,400
20 Crop harmonization board	<u>25,000</u>	<u>25,000</u>	<u>50,000</u>
21 Total all funds	\$17,087,150	\$4,240,100	\$21,327,250
22 Less estimated income	<u>11,388,326</u>	<u>2,620,208</u>	<u>14,008,534</u>
23 Total general fund	\$5,698,824	\$1,619,892	\$7,318,716
24 Full-time equivalent positions	67.50	5.00	72.50

SECTION 2. ESTIMATED INCOME - ENVIRONMENT AND RANGELAND

PROTECTION FUND. The estimated income line item in section 1 of this Act includes the sum of \$3,578,548, or so much of the sum as may be available, from the environment and rangeland protection fund for the purpose of defraying the expenses of various agriculture department programs, for the biennium beginning July 1, 2009, and ending June 30, 2011.

SECTION 3. ANHYDROUS AMMONIA STORAGE INSPECTION FUND. The estimated income line item in section 1 of this Act includes the sum of \$40,000, or so much of the sum as may be available, from the anhydrous ammonia storage inspection fund for the purpose of defraying the expenses of regulating anhydrous ammonia storage facilities, for the biennium beginning July 1, 2009, and ending June 30, 2011.

SECTION 4. ESTIMATED INCOME - GAME AND FISH FUND. The estimated income line item in section 1 of this Act includes the sum of \$968,800, or so much of the sum as may be necessary, from the game and fish department operating fund for the purpose of defraying the expenses of various agriculture department programs for the biennium beginning July 1, 2009, and ending June 30, 2011.

SECTION 5. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SIXTY-SECOND LEGISLATIVE ASSEMBLY. The following amounts reflect the one-time funding items approved by the sixtieth legislative assembly for the 2007-09 biennium and the 2009-11 one-time funding items included in the appropriation in section 1 of this Act:

<u>One-Time Funding Description</u>	<u>2007-09</u>	<u>2009-11</u>
Animal tracking database	<u>\$90,836</u>	<u>\$0</u>
Total general fund	<u>\$90,836</u>	<u>\$0</u>

The 2009-11 one-time funding amounts are not a part of the entity's base budget for the 2011-13 biennium. The agriculture commissioner shall report to the appropriations committees of the sixty-second legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2009, and ending June 30, 2011.

SECTION 6. LEGISLATIVE COUNCIL STUDY - WILDLIFE SERVICES. During the 2009-10 interim, the legislative council shall consider studying the cooperative agreement between the agriculture commissioner and the United States department of agriculture wildlife services program. The study, if conducted, must include a review of current program funding sources and a review of wildlife damage control programs in other states, including South

1 Dakota. The legislative council shall report its findings and recommendations, together with
2 any legislation required to implement the recommendations, to the sixty-second legislative
3 assembly.

4 **SECTION 7. LIVESTOCK HEALTH PERMIT INSPECTION PROGRAM.** The state
5 board of animal health shall increase the number of health permit inspections on livestock
6 entering the state for the biennium beginning July 1, 2009, and ending June 30, 2011. As part
7 of the program, the board shall provide public information on the results of the livestock health
8 permit inspections.

9 **SECTION 8. OFFICE SPACE LEASE FUNDING.** The operating expenses line item of
10 section 1 of this Act includes the sum of \$120,000 from the general fund which the agriculture
11 commissioner may use to lease additional office space for department purposes.

12 **SECTION 9. PROJECT SAFE SEND - 2009 FLOOD PESTICIDE CLEANUP.** The
13 operating expenses line item of section 1 of this Act includes the sum of \$40,000 from the
14 general fund which the agriculture commissioner shall use for the collection of damaged
15 pesticides resulting from 2009 flooding under the project safe send program for the period
16 beginning with the effective date of this Act and ending June 30, 2011.

17 **SECTION 10. AMENDMENT.** Section 4-01-19 of the North Dakota Century Code is
18 amended and reenacted as follows:

19 **4-01-19. Marketing bureau.** The agriculture commissioner shall establish and
20 maintain a marketing bureau for the purpose of gathering and disseminating statistical
21 information on agricultural marketing problems of the state and engaging in marketing services
22 of agricultural products. Any moneys received or generated by the pride of Dakota program
23 must be deposited in the ~~general~~ agriculture department operating fund in the state treasury.

24 **SECTION 11. AMENDMENT.** Section 4-01-21 of the North Dakota Century Code is
25 amended and reenacted as follows:

26 **4-01-21. Salary of agriculture commissioner.** The annual salary of the agriculture
27 commissioner is ~~seventy-eight~~ eighty-five thousand ~~five~~ eight hundred ~~ninety-nine~~ thirty dollars
28 through June 30, ~~2008~~ 2010, and ~~eighty-one~~ ninety thousand ~~seven~~ one hundred ~~forty-three~~
29 twenty-two dollars thereafter.

30 **SECTION 12. EMERGENCY.** The sum of \$40,000 for project safe send included in the
31 operating expenses line item of section 1 of this Act is declared to be an emergency measure.